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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,846	09/22/2000	Jacek Stachurski	TI-29491	2446
23494	7590	07/18/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			ART UNIT	PAPER NUMBER

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/668,846

Applicant(s)

STACHURSKI ET AL.

Examiner

Martin Lerner

Art Unit

2654

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 23 May 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):  
  
\_\_\_\_\_



Martin Lerner  
Examiner  
Art Unit 2654

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR**

**41.37(c)(1)**

(1) Appellants' Appeal Brief is defective with respect to the Summary of Claimed Subject Matter. Rule 41.37(c)(1)(v) requires that the Summary of Claimed Subject Matter must contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. Appellants' Appeal Brief does not expressly refer to independent claims 1 and 3 in the Summary of the Claimed Subject Matter. Independent claim 1 sets forth an encoder and independent claim 3 sets forth a decoder. Appellants have not set forth a concise explanation of the subject matter defined in each of the independent claims as required by Rule 41.37(c)(1)(v). Moreover, Appellants' Summary of Claimed Subject Matter does not, in fact, provide a summary of the claimed subject matter by reference to the elements of the claims. Appellants' Summary, with respect to independent claim 1, does not refer to claimed elements of a pitch prediction filter or linear prediction, pitch, and voicing analyzer. Appellants' Summary, with respect to independent claim 3, does not refer to a claimed element of a linear prediction synthesizer.

(2) Appellants' Appeal Brief is defective with respect to the Argument. Rule 41.37(c)(1)(vii) requires that the Argument must provide a separate subheading for any claims argued separately. Appellants refer to independent claim 1 and to independent

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claim 3. Appellants also separately refer to claims 5 and 6. Appellants must provide a separate subheading for independent claim 1, independent claim 3, and for claims 5 and 6 in order to comply with Rule 41.37(c)(1)(vii).

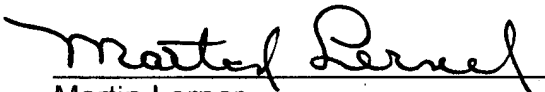
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML  
7/11/05

  
Martin Lerner  
Examiner  
Group Art Unit 2654